

**WATER TRANSFER WORKING GROUP PROJECT DESCRIPTION**

<b>APPLICATION No./COURT CLAIM No.</b> 1651 & 1888		
<b>APPLICANT NAME</b> Selah-Moxee Irrigation District	<b>CONTACT NAME</b> Jim Davis	<b>TELEPHONE No.</b> (509) 575-7501
<b>WATER RIGHT HOLDER'S NAME (if different)</b> SMID		<b>EMAIL</b> jdavis@talbottlaw.com

<b>DATE OF APPLICATION</b> May 15, 2006	<b>PRIORITY DATE</b> 1/26/1887
--------------------------------------------	-----------------------------------

<b>WATER SOURCE:</b> Yakima River	<b>CROP:</b> Hops, Tree Fruit, Pasture
<b>INSTANTANEOUS QUANTITY:</b> See narrative section below	<b>ANNUAL QUANTITY:</b> 2951.2 AF
<b>PERIOD OF USE:</b> April 1 through October 31, as limited by Pendente Lite Order.	
<b>PLACE OF USE:</b> Service area of the Selah-Moxee Irrigation District	<b>PURPOSE OF USE:</b> Irrigation
<b>IRRIGATION METHOD:</b> Sprinkler & Drip	

<b>CONSUMPTIVE USE CALCULATION:</b> N/A
--------------------------------------------

<b>NARRATIVE DESCRIPTION OF PROJECT:</b>					
SMID seeks approval of temporary additional point of diversion for the Moxee-Hubbard portion of its water right, as was done for 2005 under Order Pendente Lite dated June 9, 2005. Details of the request for additional point of diversion are contained in the Petition for Order Pendente Lite filed May 25, 2006, a copy of which is submitted herewith.					
The total quantity subject to this Order is 2,951.2 acre-feet and instantaneous flow as set forth below:					
	June	July	August	September	October
Natural Flow	10.00	10.00	10.00	8.00	6.00
Warren Act	1.18	1.14	1.14	0.80	0.38
Total	11.18	11.14	11.14	8.80	6.38

WTWG Project Form

IN THE MATTER OF THE )  
DETERMINATION OF THE RIGHTS )  
TO THE USE OF THE SURFACE )  
WATER RIGHTS OF THE YAKIMA )  
RIVER DRAINAGE BASIN, IN )  
ACCORDANCE WITH THE PROVISION )  
OF CHAPTER 90.03, REVISED )  
CODE OF WASHINGTON, )  
THE STATE OF WASHINGTON, )  
DEPARTMENT OF ECOLOGY, )  
Plaintiff, )  
v. )  
JAMES J. ACQUAVELLA, et al., )  
Defendants. )

No. 77-2-01484-5

**PETITION FOR ORDER  
PENDENTE LITE RE:  
TEMPORARY ADDITIONAL  
POINT OF DIVERSION  
Selah-Moxee Irrigation District**

**Claim Nos. 1651, 1888**

**1. Name of Petitioner:** The petition is filed by Selah-Moxee Irrigation District (SMID).

**2. Subbasins Involved:** This Petition relates to the mainstem of the Yakima River.

**3. Relief Requested:** The Petitioner SMID seeks approval by this court for a temporary change in point of diversion for a portion of the SMID water right recommended for approval in the Conditional Final Order-SMID (CFO) filed September 9, 1998 to allow an additional point of diversion. The right is based on Claim Nos. 1651 & 1888, filed by Moxee Ditch Co. (MOX) and Moxee Hubbard Ditch Co. (MOXH), and is more fully described as follows:

### **3.1 Existing Right**

**Priority Date:** January 26, 1887 for the natural flow component of the SMID water right and May 10, 1905 for the Warren Act component in the name of Moxee Ditch Co. Sub A.

**Quantity:** The MOX & MOXH portion of the SMID water right includes 13,781 acre-feet of natural flow right and 959.4 acre-feet of Warren Act right. Of the 13,781 acre-feet of natural flow right, 10,000 acre-feet have been placed in trust for the 2006 irrigation season, leaving 3,781 acre-feet of natural flow and 959.4 acre-feet of Warren Act water available for diversion at the currently authorized point of diversion.

**Purpose of Use:** Irrigation, frost protection, stock water and other agricultural purposes and domestic supply, including irrigation of lawns, gardens & landscaping.

**Period of Use:** April 1 through October 31 plus flood water in March.

**Point of Diversion:** The point of diversion for the Moxee-Hubbard portion of the SMID water right is: 1900 feet south and 400 feet east from the northwest corner of Section 7, being within the SW1/4NW1/4 of Section 7, T. 13 N., R. 19 E.W.M..

**Place of Use:** Lands within the boundary of the Selah-Moxee Irrigation District as described in the SMID CFO filed September 9, 1998.

Petitioners request an additional point of diversion, of the above-referenced water right as follows:

### 3.2 Proposed Change

**Quantity:** The total quantity subject to this request for additional point of diversion is 4,740.4 acre-feet and instantaneous flow as set forth below:

	April	May	June	July	August	September	October
Natural Flow	10.42	10.42	10.42	10.42	10.42	8.00	6.00
Warren Act	1.40	2.30	3.10	3.00	3.00	2.10	1.00
	11.82	12.72	13.52	13.42	13.42	10.10	7.00

**Proposed Purpose of Use:** Irrigation, frost protection, stock water and other agricultural purposes and domestic supply, including irrigation of lawns, gardens & landscaping.

**Proposed Period of Use:** Annually, April 1 through October 31 plus flood water in March.

**Proposed Place of Use:** Lands within the boundary of the Selah-Moxee Irrigation District as described in the SMID CFO filed September 9, 1998.

**Proposed Additional Point of Diversion:** Petitioner request the court to authorize a temporary additional point of diversion for the above-referenced right to allow diversion of all or part of the quantity described above at the following described point of diversion:

750 feet north and 1200 feet west from the southeast corner of Section 8, being within the SE1/4SE1/4 of Section 8, T. 14 N., R. 19 E.W.M., commonly referred to as the Pomona diversion of the Selah-Moxee Irrigation District.

**4. Statement of Reasons:** On March 30, 2000, an Order Pendente Lite was entered by this court approving a temporary change in point of diversion authorizing the change of the historical Moxee and Moxee-Hubbard point of diversion to a pump station located in the ROZA Wasteway adjacent to the facilities of the United States Bureau of Reclamation. The reason for this change was the destruction by flood of the historical Moxee/Hubbard point of diversion in the winter of 1999/2000.

Availability of water at that location is subject to the operation of the ROZA Power Plant. When the ROZA Power Plant is not in operation, that portion of the SMID that was formerly the Moxee Irrigation District is without water. SMID request the Court to authorize

a temporary additional point of diversion for that portion of its water right historically diverted at the Moxee/Hubbard Canal diversion that is not in the Trust Water Right Program for the year 2006.

**5. Names of Parties Affected:** SMID, State of Washington, Department of Ecology, United States Bureau of Reclamation, Major Claimant Project water users and all subbasin water right holders.

**6. Service.** The Petitioners certify that a copy of this petition and attachments and a notice of the time and place of the hearing by the court on said Petition have been delivered to the Adjudication Office for publication in the Water Rights Adjudication Notice, transmitted by e-mail, US Mail, by personal service or by facsimile to all affected parties.

DATED this \_\_\_\_\_ day of May, 2006.

TALBOTT, SIMPSON & DAVIS, P.S.  
Attorneys for Petitioners

By: \_\_\_\_\_  
JAMES E. DAVIS, #5089

PETITON FOR ORDER PENDENTE LITE RE:  
TEMPORARY ADDITIONAL POINT OF DIVERSION  
Selah-Moxee Irrigation District - 5